

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-3, 5-15, and 17-34 are currently pending in this application. Claims 1, 11, 12 and 14 are independent. Claims 1, 6, 11, 12, 14, 15, 17, 18, 20, 21, 24, 25, 27-29 and 31 have been amended in this response. Claims 4 and 16 have been cancelled, without prejudice or disclaimer of subject matter. Support for this amendment is provided, for example, at pages 28-30 and Figure 9A of the Specification. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §112

Claims 6 and 11-34 were rejected under 35 U.S.C. §112 as allegedly indefinite. The present amendment amends the claims, thereby obviating the rejection.

III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-3, 5, 6, 9-15, 17-25 and 28-34 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,332,024 to Inoue et al. (hereinafter, merely “Inoue”) in view of U.S. Patent No. 6,128,012 to Seidensticker Jr. et al. (hereinafter, merely “Seidensticker”).

As understood by Applicant, Inoue relates to a telephone handset including a front surface with a display and a keypad. The keypad includes a group of keys for entering alphanumeric signs and a key for navigating a cursor in the display. The navigation key is placed in the front surface of the phone between the display and the group of alphanumeric keys, and it includes a roller body which extends partly through an opening in the front surface of the phone. The roller body is essentially cylindrical with a length and diameter of the same size as the width of the keys in said group of keys for entering alphanumeric signs.

As understood by the Applicant, Seidensticker relates to a user interface for a device that stores and displays data, and more specifically, to a device having a processor that manages data presentation and access in which the user interface enables control, selection, and viewing of data items and options displayed on a screen.

Independent claim 1 recites, *inter alia*:

“A portable communication apparatus comprising:
a display unit configured to display a plurality of lists in a hierarchy ...

a controller configured to shift said pointer to a desired position in accordance with an operation of said operation unit, to eliminate a mark indicating a direction if said pointer can not be shifted to another list in a different lair of the hierarchy.”
(Emphasis added)

Applicant submits that none of the cited references, either alone or in combination, teach or disclose the above identified feature of claim 1. Specifically, Applicant submits that there is no teaching or suggestion in Inoue or Seidensticker for a display unit configured to display a plurality of lists in hierarchy and to eliminate a mark indicating a direction if the point cannot be shifted to another list in a different lair of the hierarchy, as recited in claim 1.

Applicant further submits that Seidensticker teaches away from the invention as claimed in claim 1, since Seidensticker eliminates a mark when a pointer moves from one item to another item in a list. The mark, as described in Seidensticker, shows a direction where a pointer can move in a list. Therefore, since Seidensticker teaches away from the present invention, as claimed in claim 1, Applicant submits that the combination of Inoue and Seidensticker does not render claim 1 unpatentable.

Therefore, claim 1 is patentable. For similar reasons, independent claims 11, 12 and 14 are also patentable.

IV. DEPENDENT CLAIMS

The other claims are dependent from the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

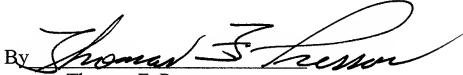
In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By 

Thomas F. Presson
Reg. No. 41,442
(212) 588-0800